

REMARKS

This is a full and timely response to the outstanding final Office Action mailed June 2, 2006. Upon entry of the amendments in this response, claims 1 – 6 are pending. In particular, Applicants have added claims 3 - 6, have amended claim 1. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Rejections Under 35 U.S.C. §103

The Office Action indicates that claims 1 and 2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Lopes* in view of *Hupp*. The Office Action also indicates that claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sager* in view of *Hupp*. Applicant respectfully traverses.

With respect to *Lopez*, *Lopez* discloses a bookmark comprising a thin, relatively flat, substantially rectangular body having two long sides and two short sides. A leaf engaging member is positioned within the opening formed by the sides. A moveable indicator is positioned within the opening. This indicator is formed with side bars and tongues which operate so that the indicator may be moved freely within the opening formed by the sides. There is no stabilizing element provided by *Lopes*. Thus, if the bookmark was nudged or tapped, it could move out of correspondence with the selected word or words.

With respect to *Hupp*, *Hupp* discloses a unitary bookmark in which a unitary element of flexible material is slit, for example, see numeral 3 in Fig.2. the two ends of the slit (no numeral is indicated at the ends of the slit but see, for example, Fig.4 and numeral 25) are said to be stress relieving holes. Figs. 5 and 11 (see numerals 58 and 64) indicate semi-circular curved cuts. ‘These curved cuts at the ends of the slits reduce the stress concentration of any pulling or bending of the tongues, and in the clip portion also provide space for the pages of the book.’

Furthermore: column 3, line 75 to column 4, line 7 'the clip portion holds the bookmark on pages of a book and limits its insertion... As each page is turned, the inclined edge of the indicating tongue carries the tongue out of the path of the pages, and the resilience of the tongue restores it to its position to indicate the succeeding page.'

The Abstract of the Disclosure of USP 3,381,654 explains that the invention is concerned with a unitary bookmark made of 'a plane strip of flexible, resilient material' which 'has a clip portion spaced from one end with a holding tongue in the place of the strip to clip the bookmark to pages of a book and an indicator portion with a page indicating tongue extending over the clip portion so that the end of the page indicating tongue will overlap pages of the book. The edge of the page indicating tongue is inclined so that turning a page will automatically turn the tongue out of the path of the page, the tongue returning to its original position to indicate the next page.' It could be said that Hupp is largely concerned with a different problem from the present invention.

With respect to *Sager*, *Sager* discloses to a bookmark having a page locating member 20 and a line locating member 23. the member 20 would protrude from the end of a book. The present applicant does not have a head portion 21 having a base nor tab means 27 hingedly connected with the head portion. Although the guide strip 22 in *Sager* does provide frictional sliding engagement with parallel slots 32 these are unlike the curved portions 17A and 17BH of the present inventor. The slight compression or friction provided by the present inventor improves positioning of the bookmark.

In this regard, the aforementioned features are legally deficient for rendering the pending claims unpatentable. That is, Applicant has claimed a patentably distinct invention as will be described in detail below.

With respect to claim 1, Applicant has amended this claim to recite:

1. A bookmark for use with a book, said bookmark comprising:
a thin, flat, rectangular body having two long and two short edges;
an indicator or indicators each comprising a thin, flat collar in frictional contact with the rectangular body wherein the indicator or indicators are movable up and down the rectangular body to direct the attention of a reader to a particular point or points in a text; and
a thin, flat, rectangular tab formed by two parallel cuts and a lower cut displaceable out of the rectangular body in such a region that the bookmark may be restrained by hooking it over the top of a page;
wherein the or each indicator is formed by cutting or punching blanks from sheets of material, each blank having two, parallel cuts of such a length that the rectangular body may be interlaced with the indicator or indicators and *wherein each of the two parallel cuts curve inwardly for a short distance near their ends thus forming opposing frictional bearing surfaces upon which the long edges impinge*. (Emphasis Added).

Applicant respectfully asserts that the cited art, either individually or in combination, is legally deficient for the purpose of rendering claim 1 unpatentable. In particular, Applicant respectfully asserts that none of the references or combinations thereof teaches or reasonably suggests at least the features/limitations emphasized above in claim 1. Therefore, Applicant respectfully asserts that claim 1 is in condition for allowance.

Since claim 2 is a dependent claim that incorporate all the features/limitations of claim 1, Applicant respectfully asserts that this claim is also in condition for allowance. Additionally, this claim recites other features/limitations that can serve as an independent basis for patentability.

Newly Added Claims

In this response Applicant has added new claim 3 – 6. No new matter has been added. Applicant respectfully asserts that these claims are in condition for allowance.

In this regard, claim 3 recites:

3. A bookmark for use with a book, said bookmark comprising:
a thin, flat, rectangular body having a periphery defined by two long edges and two short edges;

an indicator comprising a thin, flat collar in frictional contact with the rectangular body, wherein the indicator is movable along a length of the rectangular body to direct attention of a reader to a line of text of the book to which the bookmark is attached; and

a thin, flat, rectangular tab defined by two opposing cuts and a lower cut, the rectangular tab being displaceable out of the rectangular body in such a region that the bookmark may be restrained by hooking it over the top of a page;

wherein the indicator is formed from a sheet of material, the indicator having a front side, a back side and two cuts extending from the front side to the back side, *the two cuts being located with the periphery of the indicator such that the collar is defined by a contiguous frame of the sheet material that surrounds the two cuts*, the two cuts being of such a length that the rectangular body is interlaced with the indicator such that *the rectangular body extends from the front side of the indicator, through a first of the cuts to a back side of the indicator and then through a second of the cuts to the front side of the indicator*;

wherein each of the two cuts incorporates a curve located at each end thereof thus forming curved tabs that operate as opposing frictional bearing surfaces upon which the long edges of the rectangular body impinge.

(Emphasis Added).

Applicant respectfully asserts that the cited art, either individually or in combination, is legally deficient for the purpose of rendering claim 3 unpatentable. In particular, Applicant respectfully asserts that none of the references or combinations thereof teaches or reasonably suggests at least the features/limitations emphasized above in claim 3. Therefore, Applicant respectfully asserts that claim 3 is in condition for allowance.

Since claim 4 – 6 are dependent claims that incorporate all the features/limitations of claim 3, Applicant respectfully asserts that these claims also are in condition for allowance.

Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability. By way of example, claim 4 recites the additional feature of “wherein, when the rectangular body is interlaced with the indicator, the curved tabs are located such that at least a portion of the rectangular body is positioned between each of the curved tabs and the front of the indicator.” Clearly, this claim is in condition for allowance.

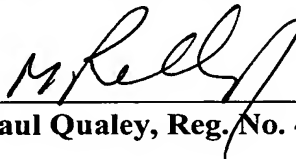
Cited Art Made of Record

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

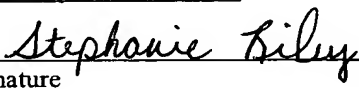
Respectfully submitted,



M. Paul Qualey, Reg. No. 43,024

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 6/1/06.


Signature